THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.13818 OF 2005

DATED: 17-08-2005

BETWEEN;

Y.Venkata Reddy son of Late.Yella Reddy and two others

..PETITIONERS

VS.

The Sub Registrar, Kurnool, Kurnool District and another.

..RESPONDENTS

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.13818 OF 2005

ORAL ORDER

The petitioners are aggrieved that the respondents are not registering the lands situated in Sy.Nos.93 and 146 of Munagalapadu village, Kurnool Mandal and District despite having presented the documents on 24-06-2005. According to the petitioners, the 1st petitioner's father late Yella Reddy purchased the agricultural

lands admeasuring Ac.19.07 cents in Sy.Nos.93 and 146 of Munagalapadu village, Kurnool Taluk in the year 1936 through a Court auction. The petitioners claim to have succeeded to the lands by inheritance. The petitioners, desirous of disposing of the lands for family necessity, claim to have approached the office of the 1st respondent on 24-06-2005 and presented the sale deed for registration. Their application for registration was not entertained and they were informed that the District Wakf Committee had addressed a letter to the 1st respondent that no registration of land should be taken up without prior clearance of the A.P.State Wakf Board. The petitioners contend that there is no notification under Section 22-A of the Registration Act, 1908 prohibiting the registration of sale deeds in respect of the lands in Sy.No.93 and 146, nor is there any other law or legal instrument on the basis of which the 1st respondent can refuse the registration of the lands in question. It would appear that the President of the District Wakf Committee, Kurnool addressed the Sub-Registrar, Kurnool stating that the Inspector General of Registration and Stamps by a memo dated 12-06-1987 had issued instructions to all the Registration Officers that the sale, if any, effected by Mutavalies of any of the Wakf properties should not be allowed to be registered unless a clearance from Wakf Board is received in the matter. There is nothing on record to suggest which property are declared to be Wakf properties and in respect of which an interdiction of registration is directed. It is also not stated before this Court as to the power under which the Inspector General of Registration and Stamps had issued instructions or the Government had issued orders to the Inspector General of Registration and Stamps, that property should not be registered. The Registration Act confers a power and a corollary obligation on the registering authority to register such properties as are presented to them for registration subject to compliance with the requisite stamp duty and registration fee. Any prohibition of registration of particular lands will have to be by some legal instrument and not pursuant to letters addressed by the Presidents of District Wakf Committees or the Chairman of the Wakf Board. The attitude of the respondents of subjecting themselves to every authority except the legislative mandate does not appear reasonable or rational.

In the aforesaid circumstances, the 1st respondent is directed to take expeditious steps for registration of the sale deeds presented by the petitioners, if the documents are otherwise in order and on payment of the requisite fee and duty as warranted by law. The respondent shall not refuse to register the documents on the basis of any

communication addressed to them without the authority of law.

Accordingly, the writ petition is disposed of. No order as to costs.

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GODA RAGHURAM,J

17TH AUGUST,2005

***TSNR**